

Jerry G. Blaivas, M.D.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

IN RE: BOSTON SCIENTIFIC :MDL Case No. 2326  
CORP., PELVIC REPAIR SYSTEM :  
PRODUCTS LIABILITY LITIGATION :

THIS DOCUMENT RELATIONS TO :  
THE FOLLOWING CASES: :

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CAROLYN FRANCIS SMOTHERS, :  
Plaintiff, :2:12-cv-08016

v. :

BOSTON SCIENTIFIC CORPORATION, :  
Defendant. :

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HALL, KATHERINE L., :  
Plaintiff, :2:12-cv-08186

vs. :

BOSTON SCIENTIFIC CORPORATION, :  
Defendant. :

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January 30, 2014, VOLUME II  
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CONTINUED Videotaped Deposition of JERRY  
G. BLAIVAS, M.D., held at MOTLEY RICE, 600 Third  
Avenue, New York, New York, on the above date,  
beginning at approximately 9:21 a.m., before Margaret  
M. Reihl, a Registered Professional Reporter and Notary  
Public.

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1           The question was please identify by author name  
2   or name of the study what peer-reviewed studies, if  
3   any, support your opinion that mesh shrinks the  
4   majority of the time?

5                   MS. FORGIE: Objection, asked and  
6   answered.

7                   Go ahead again.

8                   THE WITNESS: Yeah, I'm -- I can't  
9   recollect for sure, but I think Peter Dietz's might  
10   have shown that. That's the closest I can come.

11   BY MS. SASTRE:

12   Q.       All right. Have you performed any testing to  
13   evaluate whether shrinkage occurs at all?

14   A.       No.

15   Q.       All right. And would you agree with me that  
16   it's more likely that a heavyweight mesh is prone to  
17   shrinkage as opposed to a lightweight mesh?

18   A.       I have no idea.

19   Q.       You state that mesh shrinks asymmetrically,  
20   correct; it's your opinion?

21   A.       Yes, it is.

22   Q.       Okay. And is there --

23   A.       I actually didn't finish.

24   Q.       Oh, sure. I'm sorry.

25   A.       But not in every -- I mean, I'm not saying that

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1 all mesh shrinks. I'm saying that it -- when it  
2 shrinks, it can shrink unpredictably and  
3 asymmetrically. I'm not suggesting that it's a common  
4 -- that it's the property of the mesh, it's just you  
5 don't know what you're going to get.

6 Q. And are there any studies that have likewise  
7 found that mesh shrinks asymmetrically?

8 A. I've never looked for any. I don't know.

9 Q. And is there any clinical implication not of  
10 mesh shrinkage but if it shrinks asymmetrically?

11 A. Yeah, the clinical implication is, and I've  
12 witnessed this, is that it can distort the vagina and  
13 it can become painful and it becomes stiffened. One  
14 part of the vagina can become stiff compared to another  
15 part, and that can cause pain.

16 Q. Okay. So shrinkage causes stiffness, and  
17 stiffness causes pain; is that your opinion?

18 MS. FORGIE: Objection.

19 THE WITNESS: I don't know what causes  
20 what. I know that stiffness, pain and shrinkage go  
21 together often. I don't know which is -- I don't know  
22 the pathophysiology behind that.

23 BY MS. SASTRE:

24 Q. Doctor, isn't it -- hasn't it been -- strike  
25 that.

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1 Q. Okay. Let me see if I can identify the study  
2 by name. You've referred to the Dietz study, correct?

3 A. A Dietz study but I said my memory is  
4 incomplete about that. I've spoken with him.

5 Q. Okay.

6 A. And I may not -- I'm not sure how much comes  
7 from reading and how much comes from speaking.

8 Q. Are you familiar with the Dietz study by the  
9 name of Mesh Contraction: Myth or Reality?

10 A. I'm familiar with the title, but I don't have  
11 any recollection of it.

12 Q. Okay. And that was a study done by Dr. Dietz  
13 in 2011, and do you remember that that was a four  
14 dimensional ultrasound study?

15 MS. FORGIE: Objection. He's just  
16 testified he's not familiar, so if you want to show it  
17 to him.

18 BY MS. SASTRE:

19 Q. Do you recall?

20 MS. FORGIE: Objection.

21 THE WITNESS: No, I said I don't  
22 remember. I don't know that I even read it.

23 BY MS. SASTRE:

24 Q. Okay.

25 A. I take it back. I read it at one time, but I

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1 don't have an independent recollection of it is what  
2 I'm saying.

3 Q. Do you remember that there were 40 patients in  
4 the study who underwent anterior mesh procedures?

5 MS. FORGIE: Objection.

6 THE WITNESS: I don't believe this is a  
7 question I'm about to say. It's a statement. I'm  
8 going to make a statement. If you want me to comment  
9 on the paper, I'd like to see it.

10 BY MS. SASTRE:

11 Q. Okay. Well, let me just simply ask you this:  
12 As you sit here today, do you have any basis for  
13 disputing the conclusion of Dr. Dietz' study entitled  
14 Mesh Contraction: Myth or Reality, where he found that  
15 there was no evidence of mesh contraction between a  
16 patient's first and last postoperative visits?

17 MS. FORGIE: Objection.

18 THE WITNESS: I have no opinion until I  
19 see it, until I see the study.

20 BY MS. SASTRE:

21 Q. Do you think that shrinkage or contraction  
22 affects vaginal length?

23 A. Yes.

24 Q. And you'd agree that there are a number of  
25 randomized, controlled trials that measure pre and

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1 MS. FORGIE: Objection.

2 THE WITNESS: I don't have an  
3 independent recollection, but I do -- this I do  
4 remember reviewing this. This all came to my  
5 consciousness when I read somebody else's deposition,  
6 biomaterials or something, expert and I did -- I was  
7 astounded by it because -- simply because everyone,  
8 including myself, was taught all these years that it's  
9 inert. So this -- when I read this fella's testimony,  
10 I did have my assistant get -- you know, get some PDFs  
11 of some of the papers that purported to say that, and I  
12 did read -- I mean, the biochemistry and stuff was over  
13 my head, but I did read the conclusions, and that might  
14 have been one of the papers. I don't have an  
15 independent recollection.

16 BY MS. SASTRE:

17 Q. So you read a deposition of a biomaterials  
18 expert?

19 A. Yeah.

20 Q. That was an opinion offered in a polypropylene  
21 mesh case?

22 A. Yes.

23 Q. And was that a matter involving Boston  
24 Scientific or a different manufacturer?

25 A. I think it was AMS. I'm not sure.

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1 Q. Do you know why you were sent that deposition  
2 to read?

3 MS. FORGIE: Objection.

4 THE WITNESS: Well --

5 MS. FORGIE: Listen carefully.

6 THE WITNESS: No, no, I don't.

7 BY MS. SASTRE:

8 Q. So is the majority of what you know about your  
9 opinion that polypropylene degrades, and I believe you  
10 said also that you think there's oxidation, did you  
11 learn most of that from reading this deposition of  
12 another expert?

13 MS. FORGIE: Objection, mischaracterizes  
14 his testimony.

15 THE WITNESS: I read a number of -- I  
16 read two or three depositions of experts that I found  
17 really eye opening, and, as I said, I don't feel  
18 confident in my own abilities to determine the -- not  
19 truthfulness but the accuracy of their statements,  
20 okay, but what I was astonished at was the fact that  
21 there was a whole body of evidence that suggested that  
22 these things degrade, that they can do all these  
23 things, and that led me to do more reading in the  
24 peer-review literature, which, again, I didn't have  
25 enough of a basic understanding of the methods to be

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1 able to give it its due scientific scrutiny, and then I  
2 ended up reading other experts -- other expert  
3 testimony.

4 I actually do remember now the train of  
5 how this came about. The biomaterials expert, I'm  
6 going to answer your question from before -- I do  
7 remember now how it was sent to me. I read the  
8 deposition of another urol -- another doctor about --  
9 and this was not in Boston Scientific, it was in some  
10 other matter, and when I read that deposition, I mean,  
11 my mouth dropped open to all of these allegations about  
12 what the potential harmful effects of mesh were, and I  
13 wasn't satisfied with just his deposition. So I wanted  
14 to go deeper into the original sources, and then I read  
15 the deposition of the expert, and then I read, to the  
16 best as I could, some of the papers, and my conclusion  
17 was, as I said before, that there's enough there that I  
18 think experts that are more expert at this than me  
19 should look into this in more depth so that we can  
20 understand what the truth is.

21 BY MS. SASTRE:

22 Q. There are a number of studies which conclude  
23 that polypropylene does not degrade, right?

24 MS. FORGIE: Objection.

25 BY MS. SASTRE: